THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.21608 OF 2002

ORDER:

This Writ Petition is filed seeking a declaration that the action of the respondents in opening the history/rowdy sheet against the petitioner at Asifnagar Police Station, Hyderabad, and continuing the same for a decade, as arbitrary and illegal.

The petitioner states that respondents 3 and 4, who started interfering with civil disputes, pending in the City Civil Court, Hyderabad, falsely implicated him in a number of criminal cases, on the file of Asifnagar Police Station. However, he was acquitted in all the said cases and as of today no case is pending against him. In spite of the said fact, he is kept under constant police surveillance by opening a rowdy sheet since 1992. Aggrieved by the same this Writ Petition is filed contending that the said action of the respondents, in keeping the rowdy sheet pending, in spite of the fact that no criminal case is pending, as arbitrary, illegal and contrary to the Standing Order No.742 of the Andhra Pradesh Police Standing Orders.

On behalf of the respondents, Sub-Inspector of Police, Asifnagar, filed a counter-affidavit stating that the petitioner is continuously involved in several cases relating to murder, attempt to murder, trespass and rioting with dangerous weapons, since 1983 onwards, and therefore, a rowdy sheet was opened on 16.5.1991. It also appears from the counter that the petitioner was involved in a trespass case as well as land grabbing case during the year 2001, however, the prosecution launched against him in Crime No.18/2001 under Section 448 of the Indian Penal Code ended in acquittal. The plea of the petitioner that all the criminal cases ended in acquittal has not been disputed. It is further stated that a rowdy sheet has been opened against the petitioner under the orders of the then Assistant Commissioner of Police, Asifnagar Division, as per Order No.742 (1)(a) of A.P. Police Manual, Volume I, with up to date early renewals.

Having regard to the averments in the counter-affidavit, though I am not inclined to issue Mandamus as prayed for, I deem it appropriate to dispose of the

Writ Petition with a direction to the 2nd respondent-Assistant Commissioner of Police, Asifnagar Division, to review the case of the petitioner in accordance with the guidelines specified in the decision reported in **B. Satyanarayana Reddy v. State of Andhra Pradesh (2004(1) ALD (Crl.) 387 (AP)**, as well as Standing Order No.742 of the Andhra Pradesh Police Standing Orders, and pass appropriate orders, in accordance with law, within a period of 8 (eight) weeks from the date of receipt of this order, and communicate the same to the petitioner. No costs.

_____

(G. ROHINI, J.)

1st December, 2005.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.21608 OF 2002

1st December, 2005.

Between:

Shaik Saleh @ Shaik. .. Petitioner.

And

The Commissioner of Police,

Hyderabad and three others. .. Respondents.